



UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

DENISE CARLON, ESQUIRE
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Attorneys for U.S. Bank National Association for the
Holders of the Terwin Mortgage Trust 2005-11, Asset-
Backed Securities, Series 2005-11

In Re:

Wandeir T. Moraes,

Debtor.

Order Filed on October 26, 2016
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 16-16904-VFP
Adv. No.:
Hearing Date: October 6, 2016
Judge: Vincent F. Papalia

**ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO DEBTOR'S
CHAPTER 13 PLAN**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED

DATED: October 26, 2016

A handwritten signature in black ink, appearing to read "Vincent F. Papalia".

Honorable Vincent F. Papalia
United States Bankruptcy Judge

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Debtor:

Wandeir T. Moraes

Case No.:

16-16904-VFP

Caption:

**ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO
DEBTOR'S CHAPTER 13 PLAN**

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, U.S. Bank National Association for the Holders of the Terwin Mortgage Trust 2005-11, Asset-Backed Securities, Series 2005-11, the holder of a second mortgage on property known as 96 Saint Francis Street, Newark, NJ 07105, Denise Carlon appearing, by way of objection to the confirmation of Debtor's Chapter 13 Plan, and this Court having considered the representations of attorneys for the Secured Creditor and Scott Sherman, attorney for Debtor, and for good cause having been shown, it is hereby **ORDERED, ADJUDGED and DECREED:**

- U.S. Bank National Association for the Holders of the Terwin Mortgage Trust 2005-11, Asset-Backed Securities, Series 2005-11's claim shall be allowed as a non-priority general unsecured claim and shall be paid as such in accordance with the Debtor's Chapter 13 Plan.
- The avoidance of U.S. Bank National Association for the Holders of the Terwin Mortgage Trust 2005-11, Asset-Backed Securities, Series 2005-11's second lien is contingent upon the Debtor's completion of the Chapter 13 plan and the Debtor's receipt of a Chapter 13 discharge.
- U.S. Bank National Association for the Holders of the Terwin Mortgage Trust 2005-11, Asset-Backed Securities, Series 2005-11 shall retain its lien for the full amount due under the subject loan in the event of either the dismissal of the Debtor's Chapter 13 case or the conversion of the Debtor's Chapter 13 case to any other Chapter under the United States Bankruptcy Code.
- Each party shall bear their own attorney's fees and costs incurred in the present case number.
- In the event that the property is destroyed or damaged, pursuant to the mortgage, U.S. Bank National Association for the Holders of the Terwin Mortgage Trust 2005-11, Asset-Backed Securities, Series 2005-11 is entitled to its full rights as a loss payee with respect to the insurance proceeds and has a security interest in such proceeds up to the entire balance due on the mortgage.

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Debtor:

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- In the event that any entity, including the holder of the first lien on the Subject Property forecloses on its security interest and extinguishes Creditor's lien prior to the Debtor's completion of the Chapter 13 plan, U.S. Bank National Association for the Holders of the Terwin Mortgage Trust 2005-11, Asset-Backed Securities, Series 2005-11's lien shall attach to the surplus proceeds of the foreclosure sale for the full amount of the subject loan balance at the time of the sale.
- U.S. Bank National Association for the Holders of the Terwin Mortgage Trust 2005-11, Asset-Backed Securities, Series 2005-11 shall retain its lien for the full amount due under the subject loan should the subject property be sold, or should a refinance take place prior to the Chapter 13 plan completion and entry of a Discharge.

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
District of New Jersey

In re:
 Wandeir T Moraes
 Debtor

Case No. 16-16904-VFP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf903

Page 1 of 1
 Total Noticed: 1

Date Rcvd: Oct 26, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 28, 2016.

db +Wandeir T Moraes, 96 St. Francis Street, Apt. # 2, Newark, NJ 07105-3574

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 28, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 26, 2016 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION FOR THE HOLDERS OF THE TERWIN MORTGAGE TRUST 2005-11, ASSET-BACKED SECURITIES, SERIES 2005-11 dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com

John Philip Schneider on behalf of Creditor U.S. BANK NATIONAL ASSOCIATION FOR THE HOLDERS OF THE TERWIN MORTGAGE TRUST 2005-11, ASSET-BACKED SECURITIES, SERIES 2005-11 nj.bkecf@fedphe.com

John Philip Schneider on behalf of Creditor HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR NOMURA ASSET ACCEPTANCECORPORATION, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-AR5 nj.bkecf@fedphe.com

Marie-Ann Greenberg magecf@magttrustee.com

Michael Frederick Dingerdissen on behalf of Creditor HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR NOMURA ASSET ACCEPTANCECORPORATION, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-AR5 nj.bkecf@fedphe.com

Scott D. Sherman on behalf of Debtor Wandeir T Moraes ssherman@minionsherman.com

TOTAL: 6